

REMARKS

Claims 1-24 are pending in the application. By this amendment, claim 1 is amended to clarify the invention being claimed. Applicant requests reconsideration and allowance in view of the following remarks.

Claims 1-3, 23, and 24 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Deniston, U.S. 295,526. Applicant traverses the rejection.

The claims are all directed to an epaulette, which is a device configured to be worn on the shoulder. Although that is set forth in the preamble, Applicant submits that it breathes life, meaning, and vitality into the claims such that recitation of “an epaulette” should be construed as an affirmative limitation of the claim. Deniston, in contrast, does not disclose an epaulette; rather, Deniston discloses a spring clip that is used to hold a collar to a collar band and over which a neck tie is secured. As such, Applicant submits that Deniston is not analogous art and clearly does not anticipate the claimed invention.

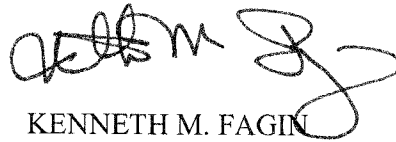
Nevertheless, in an effort to sharpen the claimed invention, Applicant has amended claim 1 to recite that the hinge means allows the geometry of the epaulette to be adjusted to a specific wearer-necessitated geometry, which recitation of adjustment carries with it the claim-recited notion that the geometry will remain in the adjusted configuration. Although such language is not used *ipsis verbis* in the specification, Applicant submits that one having skill in the art would clearly understand that that is the import of the specification. Accordingly, Applicant requests that the amendment be entered and considered as fully supported by the specification.

Deniston, in contrast, discloses no such device. In Deniston, the collar clip is made from resilient metal such that once the strip segments have been sprung outwardly and the collar and collar band have been located between respective strip segments, the strip segments can be released to return to their original positions. Thus, the curved portions of Deniston’s collar clip – i.e., what the Examiner has forcibly construed as constituting the claim-recited hinge means – are not configured to allow the first and second parts to be pivoted relative to each other to adjust the overall geometry of the device, and the curved portions are not configured to allow the device to remain in such an adjusted configuration. Accordingly, Deniston does not disclose (or suggest) the claimed invention, and Applicant requests that the rejection be withdrawn.

Allowable Subject Matter

Claims 5-22 are objected to as depending from a rejected base claim but are otherwise indicated to be directed to allowable subject matter. In view of the foregoing, however, Applicant submits that all claims are in condition for allowance, and timely Notice to that effect is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K M Fagin', with a large, stylized flourish extending from the end.

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